

NEIFELD REF.: DEATON-18-USC1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: DEATON et al.

USPTO CONFIRMATION CODE: 8230

SERIAL NO: 08/935,116

FILED: 9/22/1997

EXAMINER: ALVAREZ, Raquel

GROUP ART UNIT: 3622

FOR: System, Method and Database for Processing Transactions

37 CFR 41.41 REPLY BRIEF

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22213-1450

Sir:

This paper is in response to the examiner's answer mailed 12/12/2006.

At the examiner's answer page 4 lines 8-9, the examiner responds to the appellant's argument, by admitting that Nichtberger's CDR 20 is not a point of sale terminal and is not at a point of sale location. Thus, Nichtberger's signals provided to CDR 20 (marketing offers displayed to customers) do not correspond to the claim recitations "generating a customer information response signal at the point of sale during said individual customer's transaction in said retail establishment" which signals are "related to said individual customer's transaction data in shopping visits prior to the current shopping visit."

At examiner's answer page 4 lines 13 et seq, the examiner argues that she meant to rely upon Nichtberger's disclosure of a customer using a shopping card and/or redeeming coupons at a point of sale to correspond to these claim limitations. Answer page 4 lines 10 et seq.

In reply, the appellant submits that neither presenting a card at the point of sale nor redeeming coupons, along with other teachings of Nichtberger, anticipates any appealed claim.

Reading a customer ID from a customer's card is not "related to said individual customer's transaction data in shopping visits prior to the current shopping visit".

Redeeming coupons previously obtained during the same shopping visit to the store (which is what Nichtberger teaches) does not meet the claim limitation that "said signal [the customer information response signal] being related to said individual customer's transaction data in shopping visits prior to the current shopping visit".

Redeeming coupons at the point of sale (which is what Nichtberger teaches) does not result in "said signal providing information at said point-of-sale terminal derived from said database and useful for effectuating targeted customer promotion." The coupon identifiers retrieved by Nichtberger are not "derived from said database"; they are merely values retrieved from that database.

Whatever coupon redemption related signals are generated at Nichtberger's point-of-sale terminal are merely there to account for coupon offers already associated with a customer. In contrast with Nichtberger's disclosure, this application discloses that the signals generated at the terminal are derived from the customer's previous transactions' data, and are useful for *effectuating* a customer promotion. Effectuating means to bring about; to effect. The signals involved in redemption of pre-existing coupon offers are not "useful for effectuating targeted customer promotion"; they do not bring about targeted customer promotions. In fact, interpreting the pending claims to refer to coupon

redemption is *entirely inconsistent with the disclosure*. Accordingly, Nichtberger's disclosure of redeeming coupons does not anticipate any claim.

At the examiner answer in the paragraph spanning pages 4 and 5, the examiner argues that the appellant's "missed the boat argument" ("In fact, Nichtberger missed the boat, so to speak, because his system requires the customers to select coupons,...") is not related to the claims. In reply, the appellant disagrees because the appellant is there at explaining the meaning and significance of the claimed "signal ... useful for effectuating targeted customer promotion" and contrasting them to whatever signals may be generated by Nichtberger's system.

At examiner answer page 5 lines 9-16, the examiner argues that Nichtberger column 18 lines 20-41 discloses a signal transmitted to the point of sale that is related to the customer's transactions in shopping visits prior to the current shopping visit. In reply, the appellant disagrees because Nichtberger column 18 lines 20-41 discloses nothing of the sort. It discloses that the "operations center" accounts for coupon charges, and that the coupon data can be analyzed and reports generated for manufacturers. Nothing therein refers to signals generated at a POS.

Finally, the appellant notes that the examiner has not addressed arguments in the principle brief, such as the arguments relating to claims 12-14.

1/12/2007

DATE

Respectfully Submitted,

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